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SUBJECT: NIGER: APPLYING LETTER OF THE LAW TO
NON-GOVERNMENTAL ORGANIZATIONS (NGO)

Classified By: AMBASSADOR Bernadette M. Allen, Reason: 1.4 b/d

¶1. (C) Summary. USAID Country Manager attended a donors' meeting to discuss the current working environment for NGOs. The tense relationships between the Government of Niger (GON) and two NGOs, Medecins Sans Frontier/France (MSF/F) and Agence Contre le Faim/Espagne (ACF/E), after the NGO operations' respective suspensions, appear to be on the mend.

Local NGO DIMOL that had a run-in with the Ministry of Health also appears to be recovering on its own. No donors in the meeting, including the French, thought there should be a united front to support re-instatement for MSF/F. There was unanimous preference for patience and a softer approach to negotiating with the GON, as opposed to the aggressive campaign pushed by MSF/F. The USG, Germans and others noted its NGO partners had not reported any difficulties with the GON. There was consensus that NGOs need to ensure the GON is kept informed of interventions, that nurturing the relationship with GON institutions is the wiser approach.

End summary.

¶2. (C) On September 8, the major donor partner representatives met to discuss the greater scrutiny and pressure faced by NGO partners. Much of the meeting focus was on MSF/F, with no support among donors, even the French representation, to go to battle for MSF/F's re-instatement, as it is widely known that MSF/F's problem has been its failure to integrate well its programs with the GON health system. Most of the NGOs have worked with the GON to reinforce GON systems, as opposed to running a parallel system with little coordination with the GON. A softer approach was determined to be more effective than the aggressive campaign initially sought by MSF/F.

¶3. (C) Donor partners learned that the GON Minister of Foreign Affairs (Aichatou Mindaoudou) met with MSF/F and that some form of conditional re-instatement may be in the works. Also, it was reported that the GON Minister of Interior (Albade Adouba) already had re-instated ACF/E. Local NGO DIMOL (that supports fistula women) also was reported to be recovering from its suspension. The USG, Germany and other foreign donors reported that none of their respective NGO partners had reported any problems with the GON. In the case of the recently-selected USAID NGO partner, Academy for Educational Development (AED), early consultation with the relevant GON Ministries during the registration process has proven effective, so much so that AED has been given the "green light" to hire staff and start training while the Ministry of Interior processes the final approval for operation in Niger. Embassy received a diplomatic note through the Ministry of Foreign Affairs noting appreciation for the pre-registration consultation. There is consensus among the donor partners that working in concert with the GON institutions in a collaborative effort is the best approach.

¶4. (SBU) One overriding concern is GON efforts to apply the letter of the law and clauses of agreements with NGOs that could hamper NGO work. For example, one donor representative shared with the group a letter from the Ministry of Health inquiring about expatriate NGO staff qualifications and why Nigeriens could not perform some of the work. Second, the GON appears to be insisting that NGO expatriate staff have work permits, as opposed to the laxity in enforcement of that rule to which some NGOs have grown accustomed. Third, there are some concerns that the GON will follow the example of other African countries and require NGO expatriate personnel to pay income taxes. An NGO umbrella group held a meeting to discuss the new GON efforts to require NGOs to pay a fee equal to 20% of one month's salary for each expatriate NGO staff member. Some believe that the tax issue could lead some NGOs to close shop in Niger. The GON reportedly has asked some NGOs to clear expatriate contracts with it, but the U.S. Embassy has not been informed by any American NGO of such a requirement to date.

¶5. (C) Concern was raised about the GON possibly refusing to issue some work permits and insisting that it have some say in the recruitment and staffing decisions of NGOs. In fact, the term "Nigerienize" was used to describe the GON posture, attributed in part to Tandja's recent statements about the lack of employment opportunities for Nigeriens. Reportedly, the GON Minister of Public Works and Service informed some NGOs that "the rules" apply to all employers in Niger, not just NGOs. (Note: The U.S. Embassy remains one of the larger employers of Nigeriens and we have not been contacted on this matter, nor to our knowledge have any other foreign missions. The penury of U.S. business operations in Niger rules out

NIAMEY 00000951 002 OF 002

concern there. End note.)

¶6. (C) There was discussion of how the GON became less NGO-friendly during the 2005 food crisis. It was added that the food crisis brought many more NGOs to Niger and that the GON is evaluating whether it really needs so many NGOs that appear to be unable to shift from humanitarian crisis assistance mode to development assistance mode. Some representatives noted that since the June 2007 Cabinet reshuffle, and concentration of power in the hands of GON President Tandja, that NGOs have felt increasing pressure as their supporting GON Ministries have lost the authority they once had and will not question Tandja. The GON policy change on the Food for Work program was cited as an example.

¶7. (SBU) It was noted that part of the problem integrating NGO activities with the GON system remains the lack of capacity on the GON side to absorb and manage the large amount of resources some NGOs provide. For example, MSF/France has a 7 million Euro budget and over 450 employees. Waiting for the GON to build its capacity to implement programs would adversely affect program implementation.

¶8. (C) Finally, the GON-donor context has changed. Under the previous Prime Minister, donors were much engaged with the GON on developing its new five-year (2008-2012) Accelerated Poverty Reduction Strategy (APRS) and there was much excitement about the unveiling of the APRS at the Brussels Donors' Conference in October 2007. A number of followup meetings planned with the donors to gauge APRS progress have never occurred under the new Prime Minister.

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